



Crl.O.P.No.22731 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC and 21(1) Mines & Minerals (Development & Regulation) Act 1957, in Crime No. 201 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 100 kg of river sand in 4 plastic bags by using their Two Wheelers without any valid licence. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case. He would further submit that they had purchased 100 kg of river sand from a dealer for personal use and at that the time of interception, they was unable to produce the bill. He would submit that the petitioners have no previous case against them. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) would submit that the quantity of river sand involved is 100 kg. He would further submit that the petitioners have no previous case pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the fact that the quantity is minimum intended for their personal use and that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif-cum-Judicial Magistrate, Pallipet, Thiruvallur District** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** **with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police **every day at 10.30 am for a period of one week and thereafter as and when required for interrogation.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.09.2022

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